

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CLEARLAKE SHIPPING PTE LTD,	:	X
	:	
Plaintiff,	:	
	:	
-against-	:	14-CV-9287 (VEC)
	:	
O.W. BUNKER (SWITZERLAND) SA, O.W. BUNKER USA INC., O.W. BUNKER NORTH AMERICA INC., O.W. BUNKER HOLDING NORTH AMERICA INC., NUSTAR ENERGY SERVICES INC., ING BANK N.V.,	:	
	:	
Defendants.	:	
	X	
NIPPON KAISHA LINE LIMITED, individually and on behalf of M/V RIGEL LEADER (IMO No.9604940),	:	
	:	
Plaintiff,	:	14-CV-10091 (VEC)
	:	
-against-	:	
	:	
O.W. BUNKER USA INC., NUSTAR ENERGY SERVICES, INC., KIRBY INLAND MARINE LP, ING BANK N.V.,	:	
	:	
Defendants.	:	
	X	
HAPAG-LLOYD AKTIENGESELLSCHAFT,	:	
	:	
Plaintiff,	:	14-CV-9949 (VEC)
	:	
-against-	:	
	:	
U.S. OIL TRADING L.L.C., O.W. BUNKER GERMANY GMBH, O.W. BUNKER & TRADING A/S, ING BANK N.V. AND CREDIT AGRICOLE S.A.,	:	
	:	
Defendants.	:	
	X	

U.S. OIL TRADING LLC,	X
	:
Plaintiff,	:
	:
-against-	:
	15-CV-6718 (VEC)
	:
M/V VIENNA EXPRESS, her tackle, boilers,	:
apparel, furniture, engines, appurtenances, etc.,	:
<i>in rem</i> , and M/V SOFIA EXPRESS, her tackle,	:
boilers, apparel, furniture, engines, appurtenances,	:
etc., <i>in rem</i> , and HAPAG-LLOYD	:
AKTIENGESELLSCHAFT, <i>as claimant to the in</i>	:
<i>rem defendant M/V VIENNA EXPRESS,</i>	:
	:
Defendants.	:
	:
	:
	:X
HAPAG-LLOYD AKTIENGESELLSCHAFT,	:
as claimant to the <i>in rem</i> defendant M/V	:
VIENNA EXPRESS,	:
	:
Counter-Claimant and Third-Party Plaintiff,	:
	:
-against-	:
	:
U.S. OIL TRADING LLC,	:
	:
Counter-Defendant, and	:
	:
O.W. BUNKER GERMANY GMBH, O.W.	:
BUNKER & TRADING A/S, ING BANK	:
N.V., CREDIT AGRICOLE CORPORATE	:
AND INVESTMENT BANK, a division or	:
arm of CREDIT AGRICOLE S.A.,	:
	:
Third-Party Defendants.	:
	:
	X

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS by Opinion and Order dated January 9, 2017 (the “January 9 Opinion”)<sup>1</sup> the Court granted in part the summary judgment motions of ING and O.W. Bunker USA and denied the summary judgment motions of NuStar and USOT;

WHEREAS the January 9 Opinion does not decide the motions for discharge filed by the Vessel Interests and leaves outstanding *in personam* claims and counterclaims filed by ING, O.W. Germany, and O.W. USA;

WHEREAS the O.W. entities and ING have suggested it may be appropriate for the Court to enter a final and appealable judgment as to the Physical Suppliers’ *in rem* claims pursuant to Rule 54(b) of the Federal Rules of Civil Procedure on the grounds that there is no just reason for delay in this multilateral dispute;

IT IS HEREBY ORDERED that by **February 6, 2017** the Physical Suppliers are directed to inform the Court whether they concur in ING’s and the O.W. entities’ suggestion that the Court enter a final judgment on their *in rem* claims.

**SO ORDERED.**

Date: **February 2, 2017**  
New York, New York

  
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VALERIE CAPRONI  
United States District Judge

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<sup>1</sup> Unless otherwise specified capitalized terms used herein have the meaning given in the Court’s January 9 Opinion.